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CrI.OP.No.20747 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.09.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.OP.No.20747 of 2023

Mohanraj

..Petitioner

Vs.

The State Rep. By
The Inspector of Police,
PEW – P.N.Palayam Police Station,
Coimbatore District.
Crime No.1254 of 2023
...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.1254 of 2023
pending investigation on the file of the respondent police.

For Petitioner : Mr.K.Selvakumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.07.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(B) and Section 25 of NDPS Act, 1985 in Crime No.1254 of 2023, on the file of the respondent police seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated in a case registered for the offences under Sections 8(c), 20(b)(ii)(B) and Section 25 of NDPS Act, 1985 in Crime No.1254 of 2023. Petitioner is in Judicial Custody from 24.07.2023. Thus, he seeks bail to the petitioner.

3. In response, learned Additional Public Prosecutor submitted that, on 23.07.2023 at about 12.00.p.m., based on the secret information received, defacto complainant along with the police party, mounted surveillance near Kongu Mess opposite to Thekkani bus stop and they found the accused in suspicious circumstances. After following necessary procedure, search was conducted in the vehicle used by them bearing Registration No.TN 41 AV 7846 and they found a plastic cover



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containing 25 Kgs of ganja. Ganja and the vehicle had been seized. He further submitted that, apart from this case, there is no other similar previous case pending against the petitioner. However, he opposed for grant of bail to the petitioner.

4. Considering the fact that the contraband and the vehicle involved had been seized and this is the first case registered against the petitioner under NDPS Act and the petitioner is in Judicial Custody from 24.07.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Additional District Judge, Special Court for Essential Commodities Act Cases, Coimbatore** and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioner without prejudice to his defence shall deposit a non-refundable sum of Rs.10,000/-, by way of Demand Draft to the Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

[c] the petitioner shall report before the respondent police daily at 10.30.a.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.



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[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

08.09.2023

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To

1. Additional District Judge,
Special Court for Essential Commodities Act Cases, Coimbatore
2. The Inspector of Police,
PEW – P.N.Palayam Police Station,
Coimbatore District.
3. Central Prison,
Coimbatore.
4. The Public Prosecutor, High Court of Madras



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G.CHANDRASEKHARAN. J.

Sma

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